

Julius Rosenberg Et Al.

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APPEAL ADDRESS.

DEPUTY ATTORNEY GENERAL
ATTENTION: OFFICE OF PRIVACY + INFORMATION APPEALS
WASH. D.C. 20530

REFERRAL

Reviewed by: 8/18M

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	Subject and File Number	Serial	Date	Document Description	No. of Pages	
					Actual	Released
1	THOMAS BLACK (PH) 65-4332	807	11/3/50	U.S. ATTORNEY LETTER TO HQ	1	1
2	THOMAS BLACK (HQ) 65-59181	299	3/22/51	PH LETTER TO HQ W/ ENCLOSURE	1/3	4
3	THOMAS BLACK (PH) 65-4332	909	11/19/51	SA memo TO SAC	1	1
4						
5						
6		...				
7						
8						
9						
10						
11						
12						

United States Department of Justice

UNITED STATES ATTORNEY

EASTERN DISTRICT OF PENNSYLVANIA

FOURTH FLOOR, U. S. COURTHOUSE

NINTH AND MARKET STREETS

PHILADELPHIA 7, PA.

ADDRESS REPLY TO
UNITED STATES ATTORNEY
AND REFER TO
INITIALS AND NUMBER

JPM:MEB

November 3, 1950

Federal Bureau of Investigation,
Attn. Mr. A. Cornelius, Special Agent in Charge,
500 Widener Bldg.,
Phila. 5, Pa.

Dear Sir:-

Re: Thomas Lessing Black
Espionage

65-4332X

In the above matter, the Attorney General advises me, under date of October 30th that he has requested your Bureau to make available all investigative reports in the above matter, to me. and to have the local agent assigned to this case, consult with me.

Will you let me have the reports at your earliest convenience and I will examine them immediately and arrange for a conference with your agent.

Very truly yours,
Gerald A. Gleeson
GERALD A. GLEESON
UNITED STATES ATTORNEY

Mr. McCormick

65-4332-807

Holmes

Office Memorandum • UNITED STATES GOVERNMENT

TO : Director, FBI

FROM : SAC, Philadelphia

SUBJECT: THOMAS L. BLACK
ESPIONAGE - R
(Bufile 65-59181)

DATE: 3/22/51

Rebulet dated 2/20/51.

On 1/29/51, SA ROBERT W. HOLMES did contact Mr. JAMES P. McCORMICK, AUSA, regarding an opinion in instant matter.

In response to specific questions raised by Mr. McCORMICK concerning the opportunity THOMAS L. BLACK had to divulge knowledge of the activities of HARRY GOLD, a letter dated 2/1/51, was prepared and submitted to Mr. McCORMICK. A copy of this letter is submitted herewith as an enclosure.

On 3/5/51, SA ROBERT G. JENSEN recontacted Mr. McCORMICK regarding an opinion in instant case. At this time Mr. McCORMICK advised that he had mailed a letter dated 2/28/51, setting forth an opinion in this matter. A copy of this letter is also being submitted as an enclosure.

Mr. McCORMICK advised on 3/5/51, that in his opinion there was not enough evidence to sustain a conviction against THOMAS L. BLACK. He also stated that if there was anything additional in the original interview of BLACK that would reasonably lead BLACK to disclose knowledge of GOLD'S activities, he would like an opportunity to review that information.

By letter dated 3/22/51, Mr. McCORMICK was advised there was no additional pertinent information beyond that furnished him by letter dated 2/1/51.

RGJ/tgm
65-4332

Enclosures

ENCLOSURE ATTACHED

EX-130

(b)

INDEXED - 132

RECORDED - 132

EX-130

HENNING (INFO)
L. L. (INT.)

65-59181-299

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C O P Y

500 Widener Building
Philadelphia, Pennsylvania
February 1, 1951

Mr. Gerald A. Gleeson
United States Attorney
Eastern District of Pennsylvania
Federal Building
9th and Market Streets
Philadelphia, Pennsylvania

Attention: Mr. James P. McCormick

Re: Thomas L. Black, was.
Espionage - R
Misprision of Felony

Dear Sir:

In confirmation of a conversation between Mr. McCormick and Agent Holmes, of this office, I should like to give you the following additional facts regarding Thomas L. Black.

Harry Gold was first interviewed by Agents of the Federal Bureau of Investigation May 15, 1950. On May 22, 1950, Gold admitted for the first time transmitting information about the Atomic Bomb from Klaus Fuchs to the Soviets. This confession was reported in the Philadelphia papers May 23, 1950.

On May 31, 1950, Thomas L. Black was interviewed by Special Agent Howard A. Searl at his place of employment, 1827 North 5th Street. In the course of that interview, which concerned Black's knowledge of Harry Gold and his activities, Black made the following statements.

- 1 - That he never had any reason to doubt Harry Gold's loyalty to the United States.
- 2 - That he had no knowledge of Gold's interest in Communist matters.
- 3 - That the only trip he knew of Gold making from Philadelphia was to Brooklyn, New York, in September or October 1945.
- 4 - That he would like to visit Harry Gold's father and brother if it would be all right in view of the publicity following Gold's arrest.

299

United States Attorney
February 1, 1951
Page Two

On June 15, 1950, Black was interviewed by Agents of the Federal Bureau of Investigation and admitted that he had known of Harry Gold's association with Klaus Fuchs since February 1950. He further admitted knowing of Gold's trip to Albuquerque, New Mexico, in 1945 and his belief that the trip was made for the Soviets. Black also said that Gold had asked him to take care of his father and brother in the event anything happened to him (Gold). This information is contained in a signed statement given by Thomas L. Black.

I should appreciate your advising of your decision regarding prosecution in this matter.

Very truly yours,

A. CORNELIUS, JR.
Special Agent in Charge

C O P Y

February 28, 1951

~~CONFIDENTIAL~~

Federal Bureau of Investigation,
Attn: Mr. A. Cornelius, Jr., Special Agent in Charge,
500 Widener Bldg.,
Phila. 5th Pa.

Dear Sir:-

Re: Thomas L. Black, was.
Espionage - R
Misprision of Felony

Reference is made to your letter of February 1st, with regard to the possible involvement of Thoms L. Black in espionage or misprision of felony, or both. Your letter sets forth two circumstances with relation to Black's possible involvement.

I.

That in February 1950 Black knew of Gold's association with Klaus Fuchs.

II.

That in 1945 he knew of Gold's trip to Albuquerque, N.M., and he, (Black) believed that the trip was made for the Soviets.

Neither of these statements, by itself, or both, added together, is enough to sustain a conviction against Black for misprision of felony. The Federal cases on misprision are very strict in their interpretation and they require more than a mere failure to disclose the knowledge of a felony. They require, in general, an active concealment from the lawful investigative authorities when those authorities are trying to get information from the person who is concealing it. Such is not the case as revealed by your said letter.

The statements added together likewise are not enough in our opinion to sustain a conviction against Black for espionage because they reveal no active participation on his part in either an act of espionage or a conspiracy to commit it.

Very truly yours,

GERALD A. GLEESON
UNITED STATES ATTORNEY

Mr. McCormick

Office Memorandum • UNITED STATES GOVERNMENT

TO : SAC (65-4332)

FROM : SA JACK WALDMAN

SUBJECT: THOMAS L. BLACK
ESPIONAGE - R

DATE: 11/19/51

On 11/19/51, the writer ^{conferred} conversed with AUSA J. P. MC CORMICK concerning the status of this case.

Mr. MC CORMICK advised that he plans tentatively to call BLACK before a Federal Grand Jury in early December 1951. He would like to discuss specific details of the case with the agent to whom the case is assigned, particularly as to matters not clarified by BLACK or evaded by him during the course of interviews, since Mr. MC CORMICK intends to question BLACK concerning these matters in particular before the Grand Jury.

In view of the complex nature of this investigation, concerning details with which the writer is not fully acquainted, it is suggested that the matter be discussed in detail with Mr. MC CORMICK more fully by SA ROBERT G. JENSEN to whom the case is presently assigned.

JW:mbq

65-4332-909

SEARCHED.....	INDEXED.....
SERIALIZED <i>fm</i>	FILED.....
DEC 20 1951	
FBI - PHILADELPHIA	

Jensen

you are to handle. See